

NEW JERSEY MILITIA NEWSLETTER

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All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

-- Article 1, Section 1, New Jersey State Constitution

"Highlands Stewardship" Threatens North Jersey Communities

Preservationists have expanded federal control over New Jersey by incorporating their entire "Highlands Stewardship" program into a Western "Healthy Forests" bill.

Last year the Highlands Stewardship program was trumpeted by a consortium of preservation organizations, accompanied by advocacy journalism in the *New York Times*. Its proponents emphasized watershed protection for NJ's cities and forest preservation, but the Highlands area in the legislation takes in land stretching from northeastern Pennsylvania, northwest NJ, southeastern New York and into Connecticut. The NJ portion includes parts of Bergen, Hunterdon, Morris, Passaic, Somerset and Warren Counties.

On June 17, 2003, the House Subcommittee on National Parks, Recreation and Public Lands held a hearing on what was then a separate bill (H.R. 1964/S.999) "To establish the Highlands Stewardship Area in the States of Connecticut, New Jersey, New York and Pennsylvania." The bill was introduced by Reps. Rodney Frelinghuysen (R-NJ), Ben Gillman (R-NY), and Sen. Jon Corzine (D-NJ). Reps. Frelinghuysen and Scott Garrett (R-NJ) testified in favor of the designation.

Although the Congressional delegations failed to comprehend the negative implications that more land use restrictions and government land acquisition bode for their constituents, the building industry, with more realistic experience, saw the practical implications immediately.

Stephen H. Shaw, the immediate past president of the N.J. Builders Association, testified that the bill would make NJ's housing crisis worse. According to Molly Villamana's article in *Greenwire*, Shaw said, "Land preservation and development restrictions in the Highlands can only serve to increase the cost of land and therefore the cost of a home" in communities where people already have trouble finding affordable housing.

Unnoticed by opponents of the Highlands Stewardship act, which had some degree of controversy associated with it, the Senate quietly incorporated it into the "Healthy Forests Restoration Act", to reform management of federally owned forests, behind which Western states that are beleaguered by forest fires and the national property rights movement has mustered their forces....Among other reforms, the bill would help to free government agencies from the countless frivolous environmental lawsuits that have been partly responsible for the accumulation of fuel loading [wildfire danger] in federal forests.

"It took the tragedy of the California wildfires to finally get the Senate's attention. Only after thousands of homes and nearly two dozen deaths did they finally pass the Healthy Forest Act on an 80-14 vote," according to the American Land Rights Association on November 19.

"But don't celebrate yet," continued the ARLA. "As always, the greens and anti-property rights weasels in the Senate used a critical situation, the destruction in California, to advance their green agenda" by instituting a federal zoning plan covering over two million acres in PA, NJ, NY and CN. "Of course it will only be a matter of time

before this program for the Highlands Region spreads nationwide."

On November 1 the Newark *Star-Ledger* reported that the bill initially sought \$250 million to purchase land in the Highlands of New Jersey, but that Rep. Frelinghuysen said "it had been difficult" to get support from Western interest in the House so he settled for \$110 million.

But the \$110 million land acquisition measure did not face the conference committee or floor vote because it was included in the Healthy Forests bill. Opposition by the property rights movement was irrelevant because the pro-property rights House Resources Committee had already signed off on the compromise Highlands bill.

President Bush signed the Healthy Forests Restoration Act on December 3, thereby making the nation's first "Stewardship" Act, in northern New Jersey, a reality.

-- *New York Property Rights Clearinghouse*, Winter 2004,
www.prffamerica.org

Open Letter to NJ Legislators

By a Jersey Patriot

I write today to urge you and your colleagues in the New Jersey Legislature to strenuously oppose and publicly speak out against S1/A2635, Governor McGreevey's latest socialist collectivization scheme allegedly designed to "protect New Jersey's supply of drinking water".

You have the duty to make the case against the proposed land grab on behalf of both the affected private property owners directly and negatively impacted by the proposed legislation, as well as the general and wholly overwhelming interest of all New Jerseyans, by maintaining the security

of private property rights protected by specific reference and enumeration in the New Jersey Constitution and the Constitution of the United States.

As you are no doubt well aware, neither the U.S. Supreme Court nor the New Jersey Supreme Court have interpreted the respective "Takings" clauses of either the U.S. or New Jersey Constitution in a manner consistent with the clear meaning of the words of those clauses; thus, applicable precedents (unless changed or overturned by subsequent decision) will no doubt provide the bases for upholding the "constitutionality" of this proposed legislation -- to the detriment of both the affected property owners and the legitimacy of our organic law. The legislation, as currently conceived and formulated, clearly takes private property allegedly for public use (or perhaps only for a "public purpose"), and without adequate compensation to the private owners of those affected properties.

I urge you to remain steadfast in your support of the rights of the citizens of New Jersey as set forth in our Constitution. Your freely-taken Oath of Office commands you to do so, and I have every expectation that you shall live up to both the letter and spirit of that Oath.

UN Fears Exposure

NewsMax's United Nations correspondent Stewart Stogel reveals that senior U.N. officials are trying to stop the release of a new "kiss and tell" book about the organization's field operations.

The book, an expose like none ever written about U.N. operations, is entitled *Emergency Sex and Other Desperate Measures: A True Story from Hell on Earth* (Hyperion Books).

The authors, three U.N. veterans -- Kenneth Cain, Heidi Postlewait and Andrew Thomson -- detail alleged corruption and incompetence in U.N. "relief" operations, from Cambodia and Somalia (1993) to the recent Kosovo mission.

The book may rank as one of the most sensational exposes of U.N. business -- including numerous stories of wild sex and drug parties involving U.N. officials.

"They are very concerned about this book on the 38th floor," explained one U.N. veteran, referring to the suite of executive offices that house Secretary-General Kofi Annan.

Under rules governing U.N. staff, the world body reserves the right to restrict or prohibit any publication of information pertaining to inside activities gleaned during employment.

Sources within the agency tell NewsMax that some U.N. officials have blatantly refused to give their permission to the authors to release the book.

The book has provoked some fierce internal debate. Some U.N. officials believe that Annan's staff is making a serious mistake in attempting to stop the release and thereby drawing attention to it.

A State Department source tells NewsMax that Foggy Bottom is aware of the book and is unhappy about its publication. One U.N. source says State Department worries about the book are the key reason Annan is attempting to stop its publication.

Sources close to the publisher, Hyperion, say they have yet to receive clearance from the U.N. The book was set to hit bookstores by June.

Sources tell Stogel the publisher may release the book without U.N. approval.

The timing of the expose could not come at a worse time for the U.N. The White House, under intense international pressure, is negotiating with U.N. officials to give them a greater role in governing Iraq when the U.S.-led Coalition Provisional Authority is dissolved on July 1.

The new book casts doubt on whether the world body is competent to take on such a task.

Aside from the book, the U.N. has also come under fire for alleged massive embezzlements in the recently ended Iraq Oil-for-Food Program.

But the authors of the new tell-all on U.N. field operations are not the only ones Kofi Annan is seeking to censor.

With the revelations about the U.N.'s former Iraq Oil-for-Food program threatening to combust over allegations of multibillion-dollar embezzlements, Secretary-General Kofi Annan is attempting to silence any new whistle-blowers.

A confidential U.N. source tells NewsMax's U.N. correspondent, Stewart Stogel, that despite a pledge to "encourage" cooperation with a new investigative panel Annan formed last month, the U.N. chief suspended indefinitely a member of the Office of Internal Oversight Services (OIOS) who had been investigating possible fraud in the U.N.'s Iraq operations.

U.N. officials suspected the investigator had been leaking information to the Paris daily *Le Monde*.

With an investigation of the U.N.'s suspension action under way by the organization's staff union, NewsMax has decided not to reveal the employee's name.

"They have no proof, but acted on suspicion," claimed a union official who spoke on background.

While the union plans to challenge the U.N. action, it was explained that the former investigator has little recourse other than an internal appeal process.

"They are trying to intimidate everyone," claims another U.N. staffer, who has been forced into a long-term "sick leave."

Meanwhile, NewsMax has learned that Annan will not take action against the former director of the Iraq Oil-for-Food Program, Benon Sevan, regardless of what the new investigation may find.

"It is not going to happen, nothing will happen to Sevan," explained a senior U.N. staffer.

Sevan, who has been in Australia on "vacation" since mid-March, intends to retire at the end of April.

The Cypriot native, a U.N. veteran of more than 25 years, was the moving force behind much of the U.N.'s Iraq operations since the end of Operation Desert Storm in February 1991.

-- Insider Report from NewsMax.com, April 19, 2004

John Stossel - Yes and No

John Stossel has long been one of the few voices of liberty and reason in the mainstream media. His ABC News specials and 20/20 segments have consistently taken strong positions for the Bill of Rights.

On January 23, Stossel did a special, "Lies, Myths and Downright Stupidity: Stossel's list of Popularly Reported Misconceptions." It was a good show, in which this crusading libertarian busted all manner of myths form "Getting cold can give you a cold" to "Republicans shrink government" and "The rich don't pay their fair share of taxes."

Myth #3 was "Guns are bad."

Stossel said, "Some maximum security felons I spoke to in New Jersey scoffed at measures like the Brady law. They said they'll have no trouble getting guns if they want them. A Justice

In the beginning of change the patriot is a scarce man, brave, hated and scorned. When his cause succeeds, however, the timid join him, for then it costs nothing to be a patriot. -- Mark Twain

Department study confirmed what the prisoners said. But get this: the felons say that the thing they fear the most is not the police, not time in prison, but, you, another American might be armed."

It's great to finally hear that simple truth in the mainstream media.

Unfortunately, Stossel went on to promote the "virtues" of concealed carry laws, saying:

"[M]any states are passing gun un-control. They're allowing citizens to carry guns with them; it's called concealed carry or right to carry. Some women say they're comforted by these laws.

"Many people are horrified at the idea of concealed carry laws, and predict mayhem if all states adopt these laws.

"But surprise, 36 states already have concealed carry laws, and not one reported an upsurge in gun crime."

While Stossel is 100 percent right that concealed carry does not increase crime (and he could have added that it decreases violent crime), we hotly disagree that "allowing" citizens to carry guns is "gun un-control."

Concealed carry permits are simply another, and more insidious, form of government control of arms. Mr. Stossel needs to read JPFO's article "The 'Good' News, the Bad News, and the Truth About Concealed Carry Permits."

<http://www.jpfo.org/alert20031129.htm>

This article makes it clear that government-issued permits "allowing" people to bear arms are an infringement on fundamental rights. You have a right to defend your life. That's G-d's law.

Permits -- a revocable privilege from the state -- replace G-d's law with man's law. Second, permits are a dangerous form of "gun-owner registration."

Mr. Stossel also needs to view our video documentary, "Innocents Betrayed," which shows how even such "reasonable" measures as permits help enable genocide. The prospective victims report themselves as being gun owners. Then when the time comes, the genocidal government knows exactly where to go to confiscate all civilian arms. <http://www.jpfo.org/ib.htm>

LET STOSSEL KNOW
YOU CARE

E-mail Mr. Stossel at the following address:
JohnStossel@abcnews.com

Thank him for his program and his long-time defense of liberty and

common sense. But please tell him that, when it comes to firearms and the right to self-defense, he needs more information.

-- Jews for the Preservation of Firearms Ownership, Jan. 27, 2004

N.M. Supreme Court Lets Gun Law Stand

SANTA FE, N.M. (AP) - The state Supreme Court let stand a new law that allows New Mexicans to be licensed to carry loaded, concealed handguns.

Under the law, the Department of Public Safety was authorized to issue concealed-carry licenses as of Jan. 1. Fifteen applications are pending, department spokesman Peter Olson said.

The law allows New Mexicans who are at least 25 years old to get two-year licenses to carry loaded, concealed handguns after completing firearms training courses and passing criminal background checks.

--AP Jan. 5, 2004

Ed.: not to belabor the point JPFO made in the previous article on John Stossel, but if the state can license you they can raise the fees, deny your application and of course seize your guns when the time is right.

Dead Horse Strategy

The tribal wisdom of the Dakota Indians, passed on from generation to generation, says that, "When you discover that you are riding a dead horse, the best strategy is to dismount."

However, the United States Government often employs more advanced strategies, such as:

1. Buying a stronger whip.
2. Changing riders.
3. Appointing a committee to study the horse.
4. Arranging to visit other countries to see how other cultures ride horses.
5. Lowering the standards so that dead horses can be more productive.
6. Reclassifying the dead horse as "living-impaired."
7. Hiring outside contractors to lift the dead horse and move its legs.
8. Harnessing several dead horses together to increase speed.
9. Providing additional funding and/or training to increase dead horse's performance.
10. Doing a productivity study to see if lighter riders would improve the dead horse's performance.
11. Declaring that as the dead horse does not have to be fed, it is less costly,

carries lower overhead and therefore contributes substantially more to the bottom line of the economy than do some other horses.

12. Rewriting the expected performance requirements for all horses.

And the final solution.....

13. Promoting the dead horse to a supervisory position

High Court to Officers: Check Paperwork

WASHINGTON (AP) - A divided Supreme Court ruled that a federal agent can be sued for violating the constitutional rights of a couple during a search of their ranch, refusing to shield officers from personal liability when they make mistakes on search warrants.

The court, on a 5-4 vote, said that a mistake in the paperwork for a 1997 search in rural Montana was serious enough to allow a lawsuit against the officer who led a team of people on a fruitless hunt for illegal automatic weapons.

Officers are ordinarily immune from lawsuits over their conduct on duty, but the high court has made exceptions when they violate someone's constitutional rights.

"It is incumbent on the officer executing a search warrant to ensure the search is lawfully authorized and lawfully conducted," Justice John Paul Stevens wrote in the decision. "Even a cursory reading of the warrant in this case - perhaps just a simple glance - would have revealed a glaring deficiency that any reasonable police officer would have known was constitutionally fatal."

Bureau of Alcohol, Tobacco, Firearms and Explosives Agent Jeff Groh went to the ranch of Joseph and Julia Ramirez armed with a search warrant that did not list any items officers were searching for, Stevens said.

The four justices in dissent said he should have been forgiven the clerical mistake.

"We all tend toward myopia when looking for our own errors," Justice Anthony M. Kennedy wrote, joined by Chief Justice William H. Rehnquist.

Justices Antonin Scalia and Clarence Thomas said the search was not unconstitutional.

Richard Cordray, the attorney for the agent, said officers sometimes make mistakes but they should not face personal lawsuits over them. "It clearly is going to happen as law enforcement personnel are chasing down many

investigations, juggling a lot of balls," he said.

A federal judge had dismissed the lawsuit against Groh, but the San Francisco-based 9th U.S. Circuit Court of Appeals ruled that the officer violated the Fourth Amendment's guarantee against unreasonable searches and seizures. The Supreme Court upheld that decision, sending the case back to Montana for the family to pursue their claims.

Agents had gotten a tip that the family had automatic weapons, grenades, a grenade launcher and a rocket launcher on their property south of Butte, Mont.

The search yielded none of those things, and no charges were filed.

"I hope that officers all over the country realize they cannot ignore the Constitution and these rules," said W.G. Gilbert III, a former prosecutor who represented the family. "They have a duty to the citizenry to do this right. Particularly in these days when many feel the country is under attack, rights are more important than they are other times."

The case is *Groh v. Ramirez*, 02-811. The court opinion: <http://wid.ap.org/documents/scotus/040224groh.pdf>

--AP Feb. 24, 2004

Grand Jury Indicts Anti-tax Pitchman

LAS VEGAS (AP) - A federal grand jury has indicted an anti-tax author and two others for helping thousands of taxpayers file bogus returns.

Irwin Schiff, who wrote *The Federal Mafia: How It Illegally Imposes and Unlawfully Collects Income Taxes*, argues there is no legal requirement to pay income taxes. Government lawyers have been pursuing civil actions to bar him from selling his book and holding tax seminars.

"There is no magic way out of paying taxes," said Eileen O'Connor, assistant U.S. attorney general for the tax division in Washington, D.C.

Prosecutors say the three were responsible for nearly 5,000 tax returns that fraudulently reported no income. These "zero returns" included zeros on every line related to income and expenses and often claimed a full refund of all federal taxes withheld or paid.

After filing the "zero returns," many of Schiff's clients faced IRS audits and tax collections.

The indictment says Schiff's business, Freedom Books, generated \$3.7 million from 1997 to 2002. Schiff

didn't report any income on federal tax returns from 1987 to 2002, hiding money in an offshore bank account, the indictment charges.

Schiff, 76, said he'll file a motion to dismiss the case.

"At my arraignment, I will plead guilty to all the charges if they can show me a law in the code that says persons earning income are liable for income taxes," he said.

The 33-count indictment charges Schiff, Cynthia Neun and Lawrence Cohen with helping prepare and file fraudulent tax returns.

If convicted, Schiff faces a maximum of 43 years and \$3.25 million in fines; Neun up to 51 years and \$3.4 million; and Cohen up to 27 years and \$1.5 million.

Schiff has been a regular visitor in federal court since the IRS raided Freedom Books in February 2003. On Tuesday, he sought the return of some 14,000 documents seized in the raid; on Thursday, he's set to appear concerning a Justice Department request for an order requiring him to pay \$2.5 million in taxes, interest and penalties.

-- AP March 24, 2004

Update on the Kuglin Case

Last month we ran an article about the acquittal of a Tennessee woman, Vernice Kuglin, who had been charged with tax evasion. In response to readers' questions we are providing this update. -- Ed.

On April 12 John Gibson interviewed Kuglin and her attorney, Larry Becraft on FoxNews. Here are some excerpts from that interview:

Becraft: Let me kind of put this case into context. Verny was charged back in April with six counts of federal income evasion. In a criminal case the only question that the jury decides is whether or not the defendant that is on trial committed the crime. We had some very interesting facts that were presented to the jury [evidence that the IRS never answered her letters asking why she was required to file a return.] We had a theme for the defense. The jury bought that and found her not guilty. The next question of civil liability for the amount of taxes is further down the road. I would anticipate here that the IRS is probably going to be sending her a 90-day letter for the six years that were the subject of the indictment. And that might be coming in the next couple of months.

Gibson: Okay, but let me ask Verny. Verny, why did you think that you

have the right, if not the duty, to refuse to pay the IRS your tax bill?

Kuglin: It started in 1992 when I began hearing people talk about the constitutional restrictions on taxation by the federal government. I began reading the Constitution, listening to cassette tapes on the direct versus indirect taxes, then I was led eventually to court cases after the 16th Amendment was passed and then cases on down the way. And it raised a question in my mind as to the legitimacy of the federal government directly taxing a person's right to a common occupation.

I believe that the founding fathers, through the constitution, set up a competent and workable tax structure and my objection is that that structure has been misapplied by the IRS.

Gibson: Larry, is Verny a trend or is she just an isolated case and everybody else should behave?

Becraft: I haven't made a determination in my own mind, although since the verdict has come back we've had a lot of media interested in the decision in this case. You know, I think that if we take a look at the situation going on out in California, if we take a look at the situation just across the nation, even in my home state, Alabama, we do have funding problems for state and federal governments. And this may be an indicator that the people are beginning to get a little bit fed up. My own personal conclusion is that in this particular case, the jury reached the only conclusion it could reach, which was that she had committed no crime. Whether or not this is indicative of some type of a change in the mood of the American people, I think we probably need at least an honest survey of the American people to make that determination.

Gibson, turning to Judge Andrew Napolitano, Fox News Senior Judicial Analyst: Is there a constitutional objection to allowing the federal government to take money out of your paycheck every week?

Napolitano: Well, there was until the 16th Amendment was enacted in the early part of the last century. The Constitution specifically prohibited the federal government from taxing individuals directly. The 16th Amendment amended that. And it was challenged several times in two cases right after it was enacted. And those cases have been called intellectually dishonest. But no one seriously, successfully, has challenged the power of the federal government since then to tax individual income.

Now, nobody likes to pay tax. I don't know anybody who comes home

at the end of the week and says, "You know what? They didn't take enough this week." And she will probably still have to pay her taxes...

But, seriously speaking, this is a criminal case. And the only thing the jury decided was that the government couldn't prove its case against her. And the reason the government couldn't was that she begged them, she pleaded with them to explain the tax laws to her. They wouldn't answer her letters. They wouldn't return her phone calls. They wouldn't give her any explanation. I think the jury said, "Enough is enough." She owes a lot of money. You're talking about \$1 million worth of income and easily \$250,000 in taxes for which they will sue her and for which they will probably get a judgment. And if she doesn't pay, they will levy on her assets. But she is not going to jail. The government has lost its shot to convict her of a crime.

Listen Up

Arizona residents in nearly every part of the state will be able to hear the new pro-rights radio show on KFNX AM 1100 -- it's called High Noon Saturdays, with Steve Kates. It airs at 12 Noon.

Listeners worldwide can hear the program via the Internet. Just click on: <http://www.1100kfnx.com/>

The host is veteran communicator and firearms instructor, Steve Kates.

Tampering with the Constitution

By David Keene

Five Justices of the U.S. Supreme Court -- an outright majority -- have said they are ready to scrap the U.S. Constitution and let FOREIGNERS tell us how to run our country.

In response to this urgent peril, Congressmen Bob Goodlatte and Tom Feeney, both Members of the House Committee on the Judiciary have proposed the Reaffirmation of American Independence Resolution.

The resolution basically says that judicial decisions should not be based on foreign laws, foreign court decisions, or pronouncements of foreign governments.

Recently, Justice Sandra Day O'Connor told an internationalist organization in Atlanta, "I suspect that over time we will rely increasingly...on international and foreign courts in examining domestic issues."

Read that again and tell me it doesn't make your blood boil!

Justice O'Connor says we have to abandon our own legal traditions so foreigners will like us: "The impressions we create in this world are important, and they can leave their mark."

What about Justice Steven Breyer?

In a 1999 death penalty case, he cited the decisions of courts in Jamaica, India, Zimbabwe, and the European Court of Human Rights, saying: "A growing number of courts outside the United States...have held that lengthy delay in administering a lawful death penalty renders ultimate execution inhuman, degrading, or unusually cruel."

And in an appearance on ABC's "This Week" Breyer told host George Stephanopoulos, "We see all the time, Justice O'Connor and I, and the others, how the world really -- it's trite but it's true -- is growing together. Through commerce, through globalization, through the spread of democratic institutions, through immigration to America, it's becoming more and more one world of many different kinds of people. And how they're going to live together across the world will be the challenge, and whether our Constitution and how it fits into the governing documents of other nations, I think will be a challenge for the next generation."

Are you worried about how our Constitution fits in with the governing documents of Jamaica, India, and Zimbabwe? Neither am I.

Don't try to take the Constitution away from us, Justice Breyer, and quit trying to ram the Third World down our throats!

And what about Justices John Paul Stevens and Ruth Bader Ginsburg?

Justice Stevens, in a 2002 case, ruled that mentally retarded people convicted of murder couldn't be given the death penalty -- no matter how brutal and obscene their crimes. He wrote that "within the world community, the imposition of the death penalty for crimes committed by mentally retarded offenders is overwhelmingly disapproved."

And Justice Ginsburg likewise believes that foreign law trumps the Constitution.

Speaking before the ill-named American Constitution Society -- an organization made up of left-wing lawyers, and assorted ideologues -- she said: "our island or Lone-Ranger mentality is beginning to change. [Justices] are becoming more open to

comparative and international law perspectives."

Stop trashing your own country and its legal traditions, Justice Ginsburg!

Justice Anthony M. Kennedy may be The Worst of the Bunch because he actually used international law and foreign opinion to bulldoze the moral convictions of the American people.

Here is what he wrote in *Lawrence v. Texas*, an opinion that struck down anti-sodomy laws in sovereign states and preached the gospel of multiculturalism to the nation.

"Of even more importance, almost five years before *Bowers* [the case that upheld the states' right to outlaw sodomy] was decided the European Court of Human Rights considered a case with parallels to *Bowers* and to today's case. An adult male resident in Northern Ireland alleged he was a practicing homosexual who desired to engage in consensual homosexual conduct. The laws of Northern Ireland forbade him that right...The court held that the laws proscribing the conduct were invalid under the European Convention on Human Rights. Authoritative in all countries that are members of the Council of Europe (21 nations then, 45 nations now), the decision is at odds with the premise in *Bowers* that the claim put forward was in substantial opposition in our Western civilization."

In case you couldn't follow it, Justice Kennedy's argument goes something like this: Northern Ireland couldn't convict an Irish homosexual of sodomy because a European Court said sodomy was a human right. Therefore, the United States must legalize sodomy.

Fortunately not all Justices are bad. Justice Antonin Scalia is on to Kennedy and the others. Here's what he wrote: "The court's discussion of these foreign views (ignoring, of course, the many countries that have retained criminal prohibitions on sodomy) is...meaningless dicta. Dangerous dicta, however, since this court should not impose foreign moods, fads, or fashions on Americans."

Tampering with the Constitution is "serious business". In an interview with MSNBC.com, Congressman Feeney even mentioned the possibility of impeachment:

"This resolution advises the courts that it is improper for them to substitute foreign law for American law or the American Constitution. To the extent they deliberately ignore Congress' admonishment, they are no longer engaging in 'good behavior' in the meaning of the Constitution and they

may subject themselves to the ultimate remedy, which would be impeachment."

Congressman J. Randy Forbes recently wrote in defense of this resolution: "The constitutions of India, Jamaica, Germany, and France are younger than I am. The Constitution of Zimbabwe is younger than my son. Why would we look to the laws of other countries when our Constitution is the longest working constitution in the world?"

Letters to the Editor

NJM,

Bellesiles fooled me! [Michael Bellesiles, discredited former Emory U. professor whose book *Arming America: The Origins of a National Gun Culture* showed "evidence of falsification" and "egregious misrepresentation", according to a panel of fellow academics; the April and November 2002 NJM Newsletters covered Bellesiles' fraud – Ed.] I heard his book reviewed on WBAI-FM listener-supported (not by me) radio. I read the book and shrugged. When I learned it was a hoax, I sent a note to WBAI's Weapons Show which airs at 2 am or so. Asked him if he reported the hoax and if he could get on the air in the daytime. No reply. Looked in the library catalog. Thirteen of the 75 libraries in the county system STILL HAVE THE BOOK ON THE SHELF! This AFTER the system told everyone it's a fraud. [Columbia U. was forced to recall its Bancroft Prize for history from Bellesiles. – Ed.] The library I regularly use still has it on the shelf. Told the director about it. Gave her some time to think it over and asked her why it's still on the shelf. "You're an accessory to fraud." "I hadn't thought much about it." Very wimpy. "Aren't you willing to admit you were wrong?" Said she'll discuss it with others. Yeah, I should write to Library Journal and the American Library Association about it.

YY, Bergen County

* * *

Dear NJM,

Thanks for the newsletter. Here is 10 more stamps (donation).

I had to write in response to the Texas-15 vets letter. As a prisoner myself reading that letter it was embarrassing, 15 guys (vets) that can't get it together to send you 10 FRN to support a great newsletter. We know they smoke and go to the store, so come on and help get the word out because the time is very short. The International socialist-satan worshippers are about to try and bring the curtain down. We can't be complacent at a time like this or neglect to contribute to those who do.

I have about [XX] days until my halfway house date.

Yahweh Bless,
ZZ, POW, Federal prison

* * *

NJM,

The Posse Comitatus Act should not be repealed, for the reasons stated in the law review article entitled *Reexamining the Posse Comitatus Act: Toward a Right to Civil Law Enforcement*, by Sean J. Kealy, 21 *Yale Law & Policy Review* 383 [Spring 2003], (203) 432-4863.

Respectfully submitted,
RR, Middlesex County

Why the Miller Decision is Defective

By a Massachusetts Patriot

In the late 1930s a U.S. District Court ruled that defendant Miller's right to keep and bear arms included a short barrel shotgun (*US vs Miller*, 26 F. Supp 1002). In 1939 the Supreme Court ruled just the opposite, that Miller, who was charged with "transporting in Interstate Commercea double barrel shotgun with barrels less than 18 inches in length," did not have that right because the Court had no "judicial notice" that shotguns were military weapons which were therefore lawful militia arms (*US vs Miller*, 307 US 174).

But aren't there a few things the United States is required to prove as the moving party?

First, isn't the United States required to SHOW that a sawed-off

shotgun was NOT a militia type firearm?

Did they do this? No, they did not. Nor could they!

Second, didn't the United States have to prove that Miller was NOT a member of the militia?

Nope, not here either.

No evidence had been entered that proved a sawed-off shotgun, was NOT used by the military nor could be used by the militia. In fact shotguns were part of the "ordinary equipment" used by the U.S. Army in the trenches during World War I.

Lastly, the United States did not OBJECT to the fact that Miller claimed he was in the militia.

The 1939 Miller decision did not say that firearms proven to be part of the ordinary military equipment, or, those which could be used in the common defense, were TO BE DENIED to the average American.

That which is NOT SPECIFICALLY DENIED, is allowed.

The 1939 Miller decision affirms and supports the right of the average American to possess firearms for their own defense.

The only thing being (erroneously and mistakenly) argued in Miller, was a specific type of firearm. Whether the average American was part of the militia or whether those type firearms which WERE part of the ordinary military equipment, or COULD contribute to the common defense were NEVER IN DOUBT OR EVEN IN QUESTION.

What does this tell you then?

It should tell you that: we Americans were all members of the militia in 1939 -- even though the National Guard was established in 1903 under the Dick Act -- and that firearms that are part of the ordinary military equipment, or that could contribute to the common defense, ARE PROTECTED by the SECOND AMENDMENT.

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